

MINUTES
Independence Planning Commission/Board of Zoning Appeals
Tuesday, October 4, 2016
Veterans Room, Memorial Hall 5:30 p.m.

Call to Order

The meeting was called to order at approximately 5:45 PM as there was not a quorum present at 5:30 PM.

Planning Commissioners Present

Mary Schmidt, Darnell Lawrie, Philip Umlauf, Jim Hardy and Mary Jo (Dancer) Meier.

Planning Commissioners Absent

Nick McCollam*, Steve McBride and Tony Holmes,

*Outside Appointments are not on the Board of Zoning Appeals

Staff Present

Kelly Passauer, Assistant City Manager/Zoning Administrator

Visitors Present

Leonhard Caflisch, Richard Pereira, Benjamin Morales and Aaron Shrader.

a. Consider approving minutes of the August 2, 2016 and September 6, 2016 meetings.

Approval of the August 2, 2016 minutes was tabled to the next meeting. Jim Hardy made a motion to approve the minutes from the September 6, 2016 meeting. Philip Umlauf seconded the motion to approve the minutes. Motion carried 5-0.

Board of Zoning Appeals

b. Consider a variance request from the number of parking spaces required for a church in a C-2 zoned district at 413-419 East Main Street.

Staff provided the following staff report to the board in written form prior to the meeting:

Overview of Variance Requested

The Board of Zoning Appeals has received an application from Leonhard Caflisch, representing New Family Church in Christ to grant a variance from the number of parking spaces required for a church in a C-2 zoned district at 413-419 East Main Street. The off street parking regulations require:

Church	One space per 4 seats or 8 feet of bench length in the main auditorium.
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Based on information provided by the applicant they anticipate up to 193 seats, which would require 48.25 parking spaces.

The applicant requests to reduce the number of required parking spaces from 48 to 25.

Review of Request

The applicant is planning to remodel the structure at 413-419 East Main from a commercial structure to a church. Churches are a permitted use in a C-2 district.

Board of Zoning Appeals Considerations

In considering the providing of a variance we wish to provide the following information:

- a. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by any action or actions of the property owner or the applicant;* The off street parking regulations require 48.25 spaces based on the number of seats desired, 193. The applicant is requesting to reduce this number to 25. This property is within two blocks of the downtown district, which is C-3, which is exempt from off-street parking. Also, there is not available land nearby to build an additional parking lot to meet the request. There are several on street parking spaces adjacent to the property.
- b. That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents;* It is not believed that the number of parking spaces provided will create any adverse effects to adjacent property owners, unless there is no on street parking available for those attending other churches in the neighborhood that may be meeting at the same time. City staff has visited with the applicant regarding this concern.
- c. That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;* The hardship would consist of requiring the applicant to purchase additional property and construct additional parking, thus increasing the project cost, that they do not perceive is needed. The alternative would be to limit their seating to 100, rather than 193, since they have 25 off street parking spaces.
- d. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare* It does not appear that the variance will affect public health, safety or general welfare.
- e. That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.* City staff feels it is not opposed to the general spirit and intent of the zoning regulations.

Staff Recommendation

Staff recommends approving a variance allowing for 25 off-street parking spaces in lieu of 50 for seating up to 200. This would provide the applicant with some additional leeway in the event their capacity increases in the future without violating the variance.

Leonhard Caflisch represented the applicant and reviewed their request. A motion was made by Darnell Lawrie and seconded by Philip Umlauf to recommend approving the variance allowing for 25 off-street parking spaces in lieu of 50 for seating up to 200 as recommended by staff. The motion carried 5-0.

c. Consider a variance request from the number, size and/or location of sign(s) allowed in a C-3 zoned district at 121-123 W. Laurel Street.

The applicant Aaron Shrader was present and reviewed the proposed sign and indicated that the IHPRC had reviewed and approved it as well. Staff provided the following report:

Overview of Variance Requested

The Board of Zoning Appeals has received an application from Aaron Schrader to grant a variance from the sign regulations as provided for in the zoning ordinance. Their request is to increase the number of signs and size of signs allowed in a C-3 zone at 121 W. Laurel.

Section 802.6 subsection "a.2." provides for the following:

802 6 District C-3, central commercial district:

a. *Permitted signs*

1. *[Generally:]* Signs permitted in the C-3 district shall be illuminated signs, nonilluminated signs, marquee signs, temporary signs, wall signs and projecting signs with the exception that no sign shall be mounted, painted or affixed to any surface extending above the transom or storefront beam whichever is higher.
2. **Wall signs: One sign per face of building not to exceed 50 square feet or five percent of the total area, whichever is smaller.**
3. **Corner buildings: One sign equal to standards above for each wall.**
4. *Multiuse signs* Total sign area for all uses not to exceed above standards.
5. *[Signs hanging from awnings or mounted to storefronts:]* Signs hanging from awnings or mounted to storefronts may not exceed five square feet per face.
6. *[Freestanding buildings:]* Freestanding buildings shall be permitted one freestanding sign not to exceed 80 square feet per face or 160 square feet total of all faces in the sign area. The top of the sign shall not be higher than 25 feet above ground level.
7. *Historical restorations or reproductions* Historically significant or reproduced signs shall be referred to the Main Street Committee for recommendation to the city commission who may authorize such installation.
8. *[Rear wall signs:]* One rear wall mounted sign not to exceed 18 inches by 36 inches for business identification.

b. *[Poster panels and billboards:]* Poster panels and billboards shall not be permitted in the C-3 zone.

c. *Signs on awnings, canopies, and marquees*

1. There shall not be more than one sign exceeding an aggregate gross surface area of such awning, canopy or marquee of ten percent of the gross area for each principal building.
2. The gross surface area of a sign shall not exceed 50 percent of the gross surface area of the awning, canopy or marquee to which the sign is fixed.

d. *General standards*

1. Any awning, canopy, marquee or projecting sign shall not be less than seven feet above the surface of the grade of any street or sidewalk.
2. Awnings and canopies shall be no closer than four feet from the public street curb and in no case extend more than 12 feet from the property line.
3. Marquees shall be no closer than two feet from the property line.

Review of Request

The code currently only allows up to a maximum of two wall signs, with a maximum of one per façade. There are two proposed signs that would both be installed at the northwest corner

of the building; Sign 1 is a vertical rectangle double faced sign that measures approximately 13' high and 3.67' wide per face; Sign 2 is a horizontal rectangle single faced sign that wraps around north and west sides of the building that measures approximately 4' high and 25.83' wide. Sign 1 totals approximately 47.67 square feet per face for a total of approximately 95.33 square feet for both faces. Sign 2 totals approximately 103.33 square feet per face. The total face square footage of all signage is approximately 198.67 square feet or approximately 99.33 square feet per façade.

The total signage on the north façade totals approximately 95.33 square feet, or approximately 45.33 square feet over the 50 square foot maximum. However, due to the size of the building this represents only approximately 4.15% of the north façade.

The total signage on the west façade totals approximately 95.33 square feet, or approximately 45.33 square feet over the 50 square foot maximum. However, due to the size of the building this represents only approximately 2.37% of the north façade.

Collectively for the north and west façades combined, the total square footage of signage is approximately 198.67 square feet, or approximately 3.01% of the north and west façades combined. Therefore, all of the total square feet sign measurements on the north, west or combined façades equals less than 5% of the total façade area.

Board of Zoning Appeals Considerations

In considering the providing of a variance we wish to provide the following information:

- a. *That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by any action or actions of the property owner or the applicant;* This business is located downtown on a corner lot which has a front façade on the north and a west façade on one side. This building abuts another building on the east.
- b. *That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents;* It is not believed that exceeding the total maximum allowed size will create any adverse effects to adjacent property owners, particularly since the façades on both the north and west are very large and the total signage area will encompass less than 5% of the total façades.
- c. *That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;* The hardship would consist of not providing signage to a business that is located off the main thoroughfare to advertise their business, including show times.
- d. *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;* It does not appear that the variance will affect public health, safety or general welfare.
- e. *That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.* According to section 801.2 of the zoning code, the intent and purpose of the sign code is: "Regulation of the location, size, placement, and certain features of signs is necessary to

enable the public to locate goods, services, and facilities in the City of Independence without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein."
Since the purpose of this signage is to help the public locate goods, services and facilities within the City of Independence, City staff feels it is not opposed to the general spirit and intent of the zoning regulations.

Staff Recommendation

Staff recommends approving the variance for the directional sign on the north façade totaling approximately 100'; and on the west façade totaling approximately 100' which are approximately 4.15% and 2.37% respectively, which is less than 5% of the façades due to the following factors:

1. The total square footage of all signs combined will equal far less than the total 5% even though it will exceed the 50 square feet maximum by approximately 50' square feet on each facade.
2. The signage will assist the public in finding goods and services which meets the spirit and intent of the sign regulations.
3. Variances to exceed the 50 square feet maximum have been granted in the C-3 central business district in the past, particularly when the signage does not exceed 5% of the total façade area.

A motion was made by Philip Umlauf, seconded by Jim Hardy to approve the variance to exceed 50 square feet for new signage on the north façade totaling approximately 100 square feet, and to exceed 50 square feet for new signage on the west façade totaling approximately 100 square feet, for a total of 200 square feet on two façades as recommended by City staff.

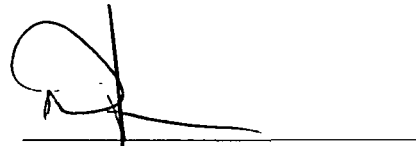
Planning Commission

d. None

Adjournment

The meeting was adjourned with a motion by Mary Schmidt and a second by Darnell Lawrie. The motion carried 5-0.


Mary Schmidt, Chair


Darnell Lawrie, Secretary

Attendance Sheet

Planning and Zoning Meeting

October 4, 2016

PLEASE PRINT

	Name	Address
1	Leonidas Cepucha	600 S 5th
2	Robert Perry	2265 S 10th
3	Benjamin Morales	524 S. 6th.
4	Aaron Shrader	515 W. Poplar
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